THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11264 of 2006

Dated:08.06.2006

Between:
Jujjavarapu Krishna Rao.

..... PETITIONER

AND

Sri Malleswaraswamivari Devastanam, and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11264 of 2006

ORDER:

Sri Malleswara Swamivari Devastanam, Pandalaparru Village, Nidadovole Mandal, West Godavari District, among others owns agricultural land admeasuring Acs.8.80 cents in Survey No.90/1 of Pandalaparru Village. The petitioner alleges that he was inducted as the lessee of the land three decades ago, and as a custom, after every three years the lease is being renewed. One such renewal was given allegedly in April 2005, and the lease is in force up to 2008 on condition of the petitioner increasing the lease amount. Be that as it is, when the second respondent, the Manager of the first respondent-Temple, issued the auction notice dated 15.05.2006 proposing to conduct auction to lease out the land for a period of three years, the present writ petition is filed. The auction was to be held on 29.05.2006.

The learned Counsel for the petitioner vehemently contends that when as a custom the petitioner was allowed to continue the lease on condition of enhancing the lease amount, it was illegal and improper for the respondents to conduct auction for the years 2006-2007 to 2008-2009.

The Writ Petition is filed on a misconceived notion. There is no denial by the learned Counsel for the petitioner that after enforcing Section 82(1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'), all the leases by Charitable and Religious Institutions stand cancelled. The landless poor person who is in occupation of less than two and half acres of wet land or five acres of dry land is alone exempted from the rigour of Section 82(1) of the Act. If the land is not in occupation of the landless poor person, it is the duty and incumbent on the part of the

religious institutions to lease out the land only after conducting auction in accordance with the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003.

The Writ Petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

08.06.2006
vs